

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10393-RGS

UNITED STATES OF AMERICA

v.

FALCON DIOMEDES ANDUJAR-ARAIS

MEMORANDUM AND ORDER OF DETENTION

January 3, 2005

DEIN, M.J.

The defendant is charged in a one count indictment with illegal re-entry of a deported alien in violation of 8 U.S.C. § 1326. An initial appearance was held on December 23, 2004, at which time the government moved for a detention hearing on the grounds that the defendant poses a serious risk of flight in accordance with 18 U.S.C. § 3142(f)(2)(A). The defendant was represented by counsel at his initial appearance.

A detention hearing was held on January 3, 2005. At the hearing, the defendant, through counsel, waived his right to a detention hearing at this time, and consented to the entry of an order of detention.

Accordingly, it is ORDERED that the defendant be DETAINED pending trial, and it is further ORDERED --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons

awaiting or serving sentences or being held in custody pending appeal;

- (2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and
- (3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

This order is without prejudice to the defendant filing a motion at any time seeking a hearing for the purpose of considering conditions of release, regardless whether there have been changed circumstances.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge